

Indiana Steel Environmental Group

OFFICIAL COMMENT

9305 Calumet Avenue, Suite F-1
Munster, Indiana 46321
Tel: 219-836-1000
Fax: 219-836-4100

November 14, 2008

Mary Ann Stevens
Mail Code 65-40
Rules Section
Office of Water quality
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, Indiana 46204-2251

**Subject: LSA Document #08-764 – 1st Notice of Comment Period
Development of New Rules and Amendments to Rule Concerning Antidegradation Standards and
Implementation Procedures**

Dear Ms. Stevens:

I am writing this letter on behalf of the Indiana Steel Environmental Group (ISEG) to provide comments on LSA #08-764, Development of New Rules and Amendments to Rule Concerning Antidegradation Standards and Implementation Procedures.

The Indiana Steel Environmental Group is a coalition of Indiana steel companies established to focus on environmental matters of concern to its members. The Indiana Steel Environmental Group (ISEG) consists of membership from ArcelorMittal USA, Inc., ArcelorMittal Indiana Harbor, LLC, United States Steel Gary Works, United States Steel Midwest Plant, ArcelorMittal Burns Harbor LLC, and Nucor Steel Crawfordsville.

The Indiana Steel Environmental Group's primary concern regarding antidegradation relates to the practical impacts of implementing the program for discharges. If not properly implemented, the program could place severe restrictions on important social and economic development within the affected communities, without resulting in any significant benefit to water quality. This will seriously impair attempts to revitalize these communities through brownfield development and will compromise the competitiveness of existing industries by limiting their ability to expand or change technologies.

The antidegradation standard and implementation procedures for waters of the State should be crafted in a way that will be protective of the receiving waters and support the economic viability of existing industries in the area, and the affected communities.

It is critical that the rules contain appropriate de minimis provisions, so that minor increases are not subjected to an expensive, time-consuming regulatory review by IDEM before they can be authorized. Also, it is important for the rules to include appropriate exemptions to antidegradation review for important activities that have significant social or environmental benefits, which should not be delayed or possibly denied by the antidegradation process. These exemptions should include federally-developed technology based effluent limits at internal outfalls and increases in discharges that result from a regulatory requirement to install new air pollution control devices.


ArcelorMittal

NUCOR
SHEET METAL - CRAWFORDSVILLE



The ISEG member companies have been and continue to be involved with the IDEM external stakeholder workgroup that has been established for this rulemaking for industrial interests. The ISEG supports an antidegradation rulemaking that applies to all surface waters of the state and we support an applicability provision that uses a bright line trigger of only conducting antidegradation review when a discharger is requesting a new or increased discharge that requires a new or modified NPDES permit.

We believe that the "pollutant of concern" definition must be sufficiently clear to adequately define the universe of pollutants to which the antidegradation implementation procedures apply.

The ISEG supports a de minimis definition that will not be subject to further antidegradation review. Senate Enrolled Act 431 (2000) requires the Water Pollution Control Board to adopt a rule for outstanding state resource waters (OSRWs) that includes a de minimis quantity of additional pollutant load for which a new or increased permit limit is required and below which antidegradation implementation procedures do not apply. This de minimis concept should be applied to all surface waters. Tributaries to OSRWs should be treated as high quality waters unless or until they are specifically designated as OSRWs themselves.

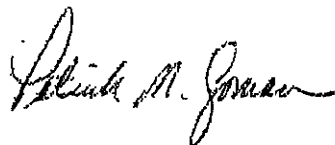
With respect to de minimis technology based effluent limitations (DTBELs) that will be proposed in the rulemaking, the ISEG believes that the use of a case-by-case application of DTBELs is inefficient, time consuming, and will create lack of clarity in the process of issuing antidegradation decisions, and will lead to uncertainty regarding permit issuance.

The ISEG agrees with IDEM's proposal to expand the social or economic justification to include the positive benefits to the area of the discharges. For discharges that trigger an antidegradation review, we are supportive of the use of innovative projects that will result in an overall improvement of water quality in the watershed of the discharge.

In closing, the ISEG believes that a constructive antidegradation rule will contain reasonable triggers for review, appropriate exclusions from full review, and a sensible process for obtaining approvals.

Thank you for your consideration of these comments. If you have any questions please feel free to contact me at pmg@jorsm.com or phone at 219-836-1000.

Sincerely,



Patrick M. Gorman, P.E.
Facilitator, Indiana Steel Environmental Group

